

COLLEEN FLYNN

Attorney at Law

3435 Wilshire Blvd., Ste. 2910, Los Angeles, CA 90010
(213) 252-9444

February 19, 2018

VIA U.S. Mail & E-MAIL

Jeffrey C. Briggs
Briggs Law
6464 Sunset Boulevard
Suite 715
Hollywood, CA 90028
jbriggs@jbriggslaw.com

Re: [REDACTED]'s 8/11/17 PRA Request to East Hollywood BID

Dear Mr. Briggs:

I am writing regarding the East Hollywood BID's failure to comply with its statutory obligations under the California Public Records Act, ("CPRA"), *Cal. Gov't. Code § 6250, et seq.*

On August 11, 2017, my client, [REDACTED], submitted a California Public Records Act request to you asking for:

... all emails in the possession of Harvey Shield, Jeff Zarrinam, Susanna Furios, or Jacques Massachi 'relating to activities of the district.' I'd like to see these from January 1, 2017 through the date the search is run. I need these in a native email format along with all attachments in their native formats.

On October 18, 2017, you provided my client with 50 emails in PDF format. You stated that the "exemption claimed is deliberative process as to a few intra-Board emails." My client subsequently asked you, on a number of occasions, to provide him with the emails in native format. To date, you have not responded to these requests.

The CPRA states clearly that, "[t]he agency shall make the information available in any electronic format in which it holds the information." Gov't Code § 6253.9(a)(1).

The metadata of the PDFs you have provided [REDACTED] show incontrovertibly that they were created in Microsoft Outlook. Microsoft Outlook stores emails in the MSG format and not in the PDF format. The law therefore requires you to produce them in this format on request, which you have so far refused to do.

Furthermore, your claim of deliberate process privilege is not well taken as the Brown Act, Gov't Code § 54952.2(b)(1), forbids a board of directors from deliberating about anything by email.

As you know, business improvement districts in California are subject to the California Public Records Act, Gov't Code §6250, et seq, by virtue of the State Streets and Highways Code §36612. Your BID's contract with the City of Los Angeles also subjects it to CPRA. CPRA requires an initial response to a request to inspect records within ten days of receipt and to provide access to the records promptly.

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It has been six months since my client's initial request and you have not produced responsive records in the required format and you are improperly withholding documents pursuant to the deliberative process privilege. You are failing your client's obligation not to "delay or obstruct the inspection or copying of public records." Gov't Code § 6253(d). The burden for non-disclosure is on the agency claiming the right to withhold the information. You have not met this burden.

██████ takes this as a failure to comply with the CPRA. If the East Hollywood BID does not provide the requested documents by February 26, 2018, ██████ will proceed with filing a petition to enforce compliance. If ██████ is required to bring suit in order to obtain these records, he is entitled to attorney fees under Gov't Code §6259.

Thank you for your anticipated cooperation.

Sincerely,

/s/ Colleen Flynn
Colleen Flynn

CF:ms